



PO Box 889, La Jolla, CA 92038

458.456.7900

<http://www.LaJollaCPA.org>

info@LaJollaCPA.org

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 7 August 2008, 6:00 pm

La Jolla Recreation Center, 615 Prospect Street

D R A F T AGENDA

- 6:05p**
1. Welcome and Call To Order: **Joe LaCava**, President
 2. Adopt the Agenda
 3. Meeting Minutes Review and Approval: 3 July 2008
 4. President's Report – Possible Action Items
 - A. CPC (<http://www.sandiego.gov/planning/community/cpc/>)
 - B. CPA Bylaws – *At Council in late Sept. Approve attached memo or refer to Bylaws Com.*
 - C. CPA Policies – *Adopt attached policies, or refer to ad hoc committee.*
 - D. Special Election – *Voting Closes at 7pm, results to be announced after count.*
 - E. 5956 La Jolla Mesa – *Update*
 - F. Bird Rock Mixed Use – *Ratify attached appeal of PC Approval.*
 - G. Non-conforming PDO Signage
 - H. La Jolla Shores Lifeguard Station – *Appealed by others, City Council Sept 16th.*
 - I. Children's Pool Lifeguard Station – *Temporary Facilities.*
 5. Officer's Reports
 - A. Treasurer: **Jim Fitzgerald**
 - B. Secretary: **Darcy Ashley**
- 6:20p**
6. Agency Reports – Information Only
 - A. UCSD
Campus Community Planner: **Anu Delouri**, adelouri@ucsd.edu
 - B. City Of San Diego – City Planning & Community Investment Department
La Jolla Rep: **Lesley Henegar**, 619.235.5208, LHenegar@saniego.gov
 - C. Council District 1 – Council President Scott Peters
Rep: **Keely Sweeney**, 619.236.6972, KSweeney@saniego.gov
 - D. Council District 2 – Councilperson Kevin Faulconer
Rep: **Thyme Curtis**, 619.236.6622, TCurtis@saniego.gov

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

Times assigned are approximate; order of agenda items may be modified at the beginning of the meeting.

7. Non-Agenda Public Comment - Comments on items not on the agenda and within CPA jurisdiction, two (2) minutes or less.

6:35p 8. COMMITTEE REPORTS / CONSENT AGENDA

Note: Items pulled from the Consent Agenda are trailed to the next meeting.

A. Planned District Ordinance Committee (PDO)

Chair: **Tiffany Sherer**, 2nd Mon, 4pm, La Jolla Recreation Center

SUPPORTING DOCUMENTS: n/a

With no projects to hear, meeting adjourned to next regularly scheduled meeting.

B. Coastal Development Permit Review Committee (CDP)

Chair: **Tony Crisafi**, 2nd & 3rd Tues, 4pm, La Jolla Recreation Center

SUPPORTING DOCUMENTS: Committee Report for July 2008

1. **SAUVAGE RESIDENCE** (*Final Review, 7/08/2008*)

CDP ACTION: FINDINGS CAN BE MADE, 9-0-1

1375 & 1410 Inspiration Drive – Demolish existing, combine two lots, and construct two-story 16,987 sf single family residence.

2. **DIX RESIDENCE** (*Final Review, 7/15/2008*)

CDP ACTION: FINDINGS CAN BE MADE with Conditions, 6-1-0

6879 Fairway Road – SDP for Environmentally Sensitive Lands to construct a pool.

3. **KRETOWICZ RESIDENCE** (*Final Review, 7/15/2008*)

CDP ACTION: FINDINGS CAN BE MADE with Conditions, 6-1-0

7957 Princess St. - Amend SDP for Environmentally Sensitive Lands for a 333 sq ft addition and remodel to an existing single family residence and a 52 SF addition to a casita.

C. La Jolla Shores Permit Review Committee (LJSPRC)

Chair: **Tony Espinoza**, 4th Tues, 4pm, La Jolla Recreation Center

SUPPORTING DOCUMENTS: Committee Report for Jun 24 2008, Jul 22 2008.

1. Changes in Procedures – Information Only

2. **DANIELS RESIDENCE** (*6/24/2008 Review*)

LJSPRC ACTION: FINDINGS CAN NOT BE MADE BECAUSE SIGNIFICANT ISSUES MUST BE SATISFIED: FAR, HISTORICAL, TREE HEIGHTS, 5-0-0

7907 Princess Street - 2703 square foot addition to existing single family residence comprised of new second story over part of existing first story, new basement area below, expanded garage to allow for (3) cars, and associated site walls and balconies.

3. **ZAHID RESIDENCE** (*7-22-2008 Review*)

LJSPRC ACTION: FINDINGS CAN BE MADE, 4-0-0

7884 Lookout Drive - New two-story detached guesthouse with four car garage.

D. Traffic and Transportation Board (T&T)

Chair: **Mark Broido**, 4th Thurs, 4pm, La Jolla Recreation Center

SUPPORTING DOCUMENTS: draft Minutes for July 24, 2008.

1. **LA JOLLA MOTOR CLASSIC**

T&T ACTION: Approve with Conditions (7-0)

5th annual event at Scripps Park, no parking along the park, potential closure of Coast Blvd from Prospect to Girard.

2. **HILLEL OF SAN DIEGO STUDENT CENTER**
→ *Will be heard by full CPA at September Meeting*

T&T ACTIONS:

- a. Cannot make findings on Street Vacation (3-2-1)
- b. Deny project due to parking issues (4-0-2)
- c. Project creates an inadequate transportation plan with impacts on adjacent intersections and pedestrian movements (4-2-0).

8976 Cliffridge Avenue – SDP, Easement Abandonments and dedications, and R/W Vacation for a phased project to construct a 12,100 sf student center on a vacant 0.76 acre site on the south side of La Jolla Village Drive.

9. **REPORTS FROM OTHER ADVISORY COMMITTEES**

- *Information only unless otherwise noted*

A. **COMPACT** (*Community Planners Advisory Committee on Transportation*)
CPA Delegate: **Vacant**, 4th Wed, 6:30pm, 202 C Street 12th floor

B. **LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD**
CPA Delegate: **Vacant**, 3rd Wed, 4pm, La Jolla Recreation Center

1. Ratify President's appointment of Orrin Gabsch as delegate, Ray Weiss as alternate.

7:05p 10. **VONS**

→ *Item pulled by trustees from June Consent (applicant could not make July mtg).*

SUPPORTING DOCUMENTS: PDO Minutes of 5/05/2008, Applicant's graphics.

PDO ACTION: Façade improvements in conformance, 9-0; New signage in conformance, 6-3.

7600 Girard Ave - Façade improvements and new signage.

11. **Coastal Permit Exemption**

SUPPORTING DOCUMENTS: Attached draft from the City

Possible change to land development code to eliminate "50% wall preservation" limitation in exchange for building only to 80% of allowed FAR and 90% of allowed height.

12. **ADJOURNEMENT**

Next Regular Meeting: Thursday, 4 September 2008

Possible Agenda Items in September

- ✓ Hillel of San Diego Student Center, 8976 Cliffridge Ave - *Site Development Permit and Public R/W Vacation for a 12,100 sf student center on a vacant 0.76 acre site on the south side of La Jolla Village Dr (with Phase 1 to use residence at 8976 Cliffridge Ave as student center until the main center is built). Documents available at La Jolla Library and on-line at <http://ucsdhillel.org/project/>*
- ✓ Children's Pool Lifeguard Tower – *City returns with formal CDP Application.*

Possible Agenda Items in October

- ✓ Chabad Center – Proposed 11,700 sf facility at 2466 Hidden Valley Road
Traffic Study available for viewing/downloading at <http://www.lajollacpa.org>. Plans and traffic study available for viewing at the La Jolla Library (downstairs).
- ✓ UCSD - *Presentation of UCSD's efforts on Parking, Transportation, and Sustainability*



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La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Regular Meeting- Draft Minutes Thursday, 3 July 2008

President: Joe LaCava

VP: Glen Rasmussen

Secretary: Darcy Ashley

Present: Darcy Ashley, John Berol, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Phil McConkey, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Ray Weiss

Absent: Glen Rasmussen

1. Welcome and Call To Order: Joe LaCava, President called the meeting to order at 6:05pm.

2. Adopt the Agenda

Approved motion: to adopt the agenda. (Ashley 11-0-0)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Little, McConkey, Metcalf, Morton, Peto, Weiss

3. Meeting Minutes Review and Approval: 5 June 2008

Approved motion: to approve the June 5th minutes. (Fitzgerald/Berol 10-0-2)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Little, Metcalf, Morton, Perricone, Peto
Abstain: McConkey, Weiss (Not present at that meeting.)

4. President's Report – Possible Action Items

A. CPC (<http://www.sandiego.gov/planning/community/cpc/>)

Indemnification Ordinance is still being debated, may see a draft by the end of the month.

B. CPA Bylaws at City Council: The timeline is the last week in July. The Board will be notified when a date is set on the docket.

C. Brown Act

When writing letters to the Editor, trustees are requested not to identify themselves as trustees of the Planning group.

There is a link to the PowerPoint from the City on the LJCPA website. Trustees are encouraged to review this information.

D. Special Election – August 7. The election will begin at 3pm & finish at 7pm. Tim Lucas is the chair of the Election committee. Those people who are members in good standing are eligible to vote. ID's will be checked to receive a ballot.

E. 5956 La Jolla Mesa – City Response

Approved motion: That the chair write a letter to the City to pursue this further. (Little/McConkey 13-0-0)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Weiss

F. Kelly Appeal

The Chair relayed that the appeal was denied.

G. "Head/Smoke Shop" Letter Request

Approved motion: That the chair send the draft letter to the City in support of the efforts of SAY, with the following modification to the opening sentence: "The La Jolla Community Planning Association is very concerned about headshops/smoke shops that sell paraphernalia that can be used for illegal drugs in our communities." (Berol/ Fitzgerald 13-0-0)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Weiss

H. Brush Management

Link to Brush Management Guide Bulletin:

<http://www.sandiego.gov/fireandems/pdf/brushpdf.pdf>

5. Officer's Reports

A. Treasurer: Jim Fitzgerald

Previous ending balance: \$882.29 Collected at the June meeting: \$155.00 Expenses: 316.82 (which included \$255 for the 6 month pre-payment of rent to the La Jolla Rec. Center for meeting space.) Ending balance: \$720.47

B. Secretary: Darcy Ashley

Reminder about City sign up option to receive notification on projects by mail.

6. Agency Reports – Information Only

A. UCSD: Anu Delouri- Not present, no report.

B. CPCI: Lesley Henegar- Not present, no report.

C. CD1: Council President Scott Peters: Keely Sweeney- Not present, no report.

D. CD2 – Councilperson Kevin Faulconer: Thyme Curtis- Not present, no report

7. Non-Agenda Public Comment

A. Joshua Richman- representing Hillel of San Diego. jrichman@jgplaw.com

Hillel San Diego will be presented at the LJCPA committees & at the LJ Shores Association this month. Information on this project is available at the La Jolla Library. The project is located at the intersection of Torrey Pines Road & La Jolla Scenic Drive North. The project is LED Silver designation, using photo voltaic panels, additional trees & native vegetation. There are two phases proposed: Phase 1- to retrofit a single family home for temporary use. Phase 2 is construction of the new building. They aim to be at City Council in November.

- B. Jim Fitzgerald- Bird Rock Station has been continued at Planning Commission to July 17th.
- C. Sue Moore- said goodbye to the group. She is moving to northern CA with her family. She will continue to be involved with "Taxpayers for Responsible Land Use."

8. COMMITTEE REPORTS / CONSENT AGENDA

A. Planned District Ordinance Committee (PDO)

Chair: Tiffany Sherer

SUPPORTING DOCUMENTS: Minutes of 6-02-2008, 6-16-2008.

1. JOSE'S COURTROOM *(6-2-2008 Action)*

PDO ACTION: APPROVED 4-0-2-1

1037 Prospect Street – 182 sq. ft. sidewalk café adjoining existing restaurant.

2. MARENGO-MORTON SIGNAGE *(6-2-2008 Action)*

PDO ACTION: APPROVED 6-0-0

7724 Girard Avenue – New building signage.

Approved motion: To accept the recommendation of the PDO committee to approve Jose's courtroom & Marengo-Morton Signage and forward the recommendation to the City. (Crisafi/Fitzgerald 9-0-2-1)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Lucas, McConkey, Metcalf, Peto, Weiss

Abstained: Gabsch, Little

Recused: Morton

3. CHANGE IN REGULAR MEETING DATE TO 2nd Monday *(6-16-2008 Action)*

PDO ACTION: APPROVED 7-0-0

Change from 1st & 3rd Mondays to simply 2nd Mondays.

Approved motion: To accept the recommendation of the PDO committee to change their regular meeting date to the 2nd Monday of the month. (Gabsch/Fitzgerald 11-0-1)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Lucas, McConkey, Metcalf, Morton, Peto, Weiss

Abstained: Little

B. Coastal Development Permit Review Committee (CDP)

Chair: Tony Crisafi

SUPPORTING DOCUMENTS: Committee Report for June 2008

1. LYONS RESIDENCE *(6-17-2008 Final Review)*

CDP ACTION: FINDINGS CAN BE MADE, 5-0-1

7515 Miramar Avenue – new block wall and wood fence in public alley right of way

Approved motion: To accept the recommendation of the CDP committee to approve the Lyons residence and forward the recommendation to the City. (Metcalf/Peto 11-0-0-1)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Little, Lucas, McConkey, Metcalf, Peto, Weiss

Recused: Morton

2. FRAPWELL EASEMENT ABANDONMENT *(6-10-2008 Final Review)*

CDP ACTION: FINDINGS CAN BE MADE, 5-0-0

6722 Vista Del Mar Avenue - Drainage Easement Abandonment with private lot and adjacent to Neptune Place.

Approved motion: To accept the recommendation of the CDP committee to approve the Frapwell easement abandonment and forward the recommendation to the City. (Gabsch/McConkey 11-0-1)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Lucas, McConkey, Metcalf, Morton, Peto, Weiss

Abstained: Little

3. **FISHBURN GRADING** (6-17-2008 Final Review)

CDP ACTION: FINDINGS CAN BE MADE with Conditions, 6-0-0

A. Restore natural landscape including area adjacent to Paseo Bonita

B. Remove illegal import to restore pre-existing grade

C. Restore natural drainage to pre-existing condition (before illegal grading)

1605 Clemson Circle - Permitting illegal grading and stockpiling of fill on a vacant lot. The lot has never been legally developed.

Approved motion: To accept the recommendation of the CDP committee to approve the Fishburn grading if all the conditions listed are met. The chair is directed by the trustees to list the conditions when the vote is transmitted to the City. (Ashley/Gabsch 11-1-0)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Lucas, McConkey, Metcalf, Morton, Peto, Weiss

Opposed: Little

C. La Jolla Shores Permit Review Committee (LJSPRC)

Chair: Tony Espinoza

SUPPORTING DOCUMENTS: Committee Report for 6-24-2008

1. **PLAYA DE ORO TENTATIVE MAP** (6-24-2008 Review)

LJSPRC ACTION: FINDINGS CAN BE MADE with Conditions, 5-0-0

8111 Camino de Oro – Condominium conversion of 17 existing units.

Approved motion: To accept the recommendation of the committee and approve the Playa de Oro tentative map and forward that recommendation to the City. (Weiss/Peto 11-0-1)

In favor: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, Lucas, McConkey, Metcalf, Morton, Peto, Weiss

Abstained: Little

D. Traffic and Transportation Board (T&T)

Chair: Mark Broido

SUPPORTING DOCUMENTS: draft Minutes for 6-26-2006

No items for CPA Action.

Joe LaCava reported that the September agenda for T & T will include items from the "No Paid Parking" plan that are in the domain of this committee. The No Paid Parking Plan was originally presented by Ed Ward and others.

9. REPORTS FROM OTHER ADVISORY COMMITTEES

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD

CPA Delegate: Vacant.

Chair appointment for this position will be on the LJCPA agenda in August for ratification.

Orrin Gabsch volunteered to be appointed to the Parking Board. Ray Weiss volunteered to be the alternate.

10. CANDIDATE FORUM –

Present for the forum were candidates: Robert Collins, Tom Brady & Mike Costello. Steve Haskins notified Joe LaCava prior to the meeting that he is no longer a candidate.

There are four candidates for 3 open positions. Two positions have terms that expire in March 2010; one position has a term expiring in March 2009. The candidates that receive the most votes will be elected to the longer terms.

11. Adjourned to the next meeting August 7th at 6pm.

Voting in the election will begin at 3pm August 7th, 2008

Submitted, Darcy Ashley 7-5-08



La Jolla Community Planning Association

DRAFT

TO: Bernard Turgeon, CPCI
Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws

In June 2008 we received an email from the CAO outlining 6 issues with the draft bylaws that require City Council action for approval. We have provided below an explanation of why we included these items in our bylaws and why they should be approved by the City Council.

Issue 1. Corporate Bylaws

CP 600-24 preamble at page 2 states, "Planning groups that are also incorporated under the laws of the State of California, shall maintain corporate bylaws separate from the planning group bylaws."

- *The La Jolla Community Planning Association has submitted corporate bylaws which are not separate from their planning group bylaws.*
- *A few examples of references to the corporate nature of the group include Art. I, Secs. 1 and 4, Art. II, Sec. 7, and Art. VI, Sec. 1(D).*

Corporate bylaws notwithstanding, there are other deviations from CP-600-24 listed below.

Response: The Administrative Guidelines note that "...there are a number of provisions typically included in corporation bylaws that are contrary to the intent of the Policy." Apparently the objection is not to any specific language in our draft bylaws but merely the corporate appearance. A careful reading reveals that the draft bylaws do *not* include any typical provisions that are contrary to either 600-24 or the Brown Act. If the bylaws are otherwise compliant while being patterned after corporate bylaws the deviation should be considered minor.

Issue 2. Art. III, Sec. 3, p. 5 – Terms.

Omits reference to CP 600-24 Art. III, Sec. 4 which clarifies the term limit policy.

Response: Inserting this reference to draft language was not deemed necessary; nevertheless, inserting the reference does not change the intent of the bylaws and we would accept including the reference as follows:

TO: Bernard Turgeon, CPCI, Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws
Page 2 of 3

Insert as a new closing paragraph: “Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.”

Issue 3. Art. IV, Sec. 3, p. 6 – Vacancies.

Omits provision that says planning group will be deemed inactive if it fails to reach 12 members after an additional 60 days. This deviates from CP-600-24 Art. IV, Sec 3.

Response: Nothing in these bylaws precludes the City from enforcing 600-24. Note that the bylaws read “...there are less than 12 elected LJCPA Trustees in good standing, the LJCPA shall report in writing the efforts made to fill the vacancy to the City.” The City can then take the action it deems necessary at that time.

Issue 4. Art. VI, Sec. 2(x), p. 9 – Special meetings.

Allows three members instead of a majority of the board to call a special meeting. This deviates from CP 600-24 Art. VI, Sec. 2(x).

Response: This item is alleged to be in conflict with the Brown Act; however, the draft bylaws have a distinct difference in that the required notice is *longer* than the 72 hours for a Regular Meeting and *longer* than the *allowed 24 hours* for a Special Meeting. We wanted this provision to assure that a minority portion of the Board has the power to call a meeting. It would seem that the Brown Act’s requirement of a “majority approval” is designed as compensation for the reduced notice period of only 24 hours. Since the LJCPA wants a smaller group to be able to call a meeting, we have *increased* the required notice period.

<u>Document</u>	<u>Required Votes</u>	<u>Required Notice</u>
Brown Act	Majority of board	<u>24 hours</u> notice
Draft bylaws	3 Elected Members or President	<u>One week</u> notice

Perhaps, as a compromise, the CPA can make two changes:

1. We can change the name from “special meeting” to something else (“meetings other than regular meetings”?) to avoid the perception of a conflict with the Brown Act while still retaining this provision.
2. Add language for “Special Meetings” that is fully compliant with the Brown Act; that is, majority of board and 24 hours notice. This could serve the planning group in the rare cases that something arises between regular meetings that needs to be addressed by the planning group.

TO: Bernard Turgeon, CPCI, Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws
Page 3 of 3

Issue 5. Art. VI, Sec. 2(v), p. 11 – Consent items.

Omits public right to pull consent items. This deviates from CP 600-24 Art. VI, Sec. 2(v).

Response: This provision continues a long-held tradition designed to combat prior abuses where projects were endlessly delayed. Items pulled are trailed to the next regular meeting to protect both the applicant and the community from having to come a planning group meeting only to have it been passed on consent. Trailing it assures that both the applicant and the community both have time to prepare for a full hearing on the item.

Issue 6. Art. VI, Sec. 2 (b), p. 12 – Subcommittee composition.

CP 600-24 Art. VI, Sec 2(b) requires subcommittees to be composed of a majority of Board members. Clarify whether the Community Joint Committees and Boards are committees or subcommittees of the planning group. If they are a majority of the committee members must be Board members.

Response: The LJCPA bylaws provide for an extensive subcommittee structure to ensure that as many stakeholders can sit on reviewing committees as possible and ensure the committees represent the broadest cross-section of the community. The four major subcommittees have 34 seats, and that doesn't include other committees such as elections, bylaws, etc. Realistically these subcommittees can not be filled by the 18 elected members (trustees) alone. Unlike other communities La Jolla has an extraordinary amount of activity since it is in the coastal zone and there is frequent redevelopment of residential and commercial buildings. In 2007 the City issued 240 Public Notices for projects in the community of La Jolla, an average of 20 per month. Only with our extensive subcommittee structure and army of committee members are we able to review all the projects in a timely and comprehensive manner. While not yet part of the 600-24 or our bylaws, we think the staff's suggested "Acknowledgement of Responsibilities by Non-Planning Group Member of a Subcommittee" (Attachment 1, draft Administrative Guidelines) is an excellent step in the right direction and a better way to address this issue than to require a majority of committee members to be Board members.



City of San Diego
Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" ([Per M.C. Sec. 113.0103](#))

Name
 La Jolla Community Planning Association

Address City State Zip Code Telephone
 P. O. Box 889 La Jolla, CA 92037 858.456.9700

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Mark D Lyons Associates

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Bird Rock Mixed Use - PTS 87287, MND - JO 42-5482	July 17, 2008	Morris Dye

Decision (describe the permit/approval decision):

CDP, SDP, PDP, TM (Process 4) - Planning Commission approval, 4-0

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in [Chapter 11, Article 2, Division 5 of the San Diego Municipal Code](#). Attach additional sheets if necessary.)

Both the Staff Report and the Commission's deliberations failed to analyze the key aspect of this project--proposal for three stories where only two stories are allowed under the La Jolla Planned District Ordinance. The Staff Report contained no discussion of why this unique requirement is in the Ordinance and its importance to the overall goals of the Ordinance. The deliberations touched briefly on this aspect but failed to discuss and debate one of the findings of the Planned Development Permit; that is: "The proposed development will not adversely affect the applicable land use plan." The Ordinance is an important component of the land use plan.

A second finding of the PDP is "The proposed development, when considered as a whole, will be beneficial to the community." Both the Staff Report and the Commission developed highly subjective criteria is discussing this finding, essentially boiling down their arguments to "...it is an attractive building..." While aesthetics are important, they don't rise to the level of "beneficial" in making the findings of the PDP. Further, the draft findings/conditions failed to include or require any of the benefits offered by the applicant (for example: extra parking, grocery store, etc) all of which are easily understood and enforceable.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: _____ Date: 25 July 2008
 Joe LaCava, Chair

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Proposed, August 7, 2008

Policies of the La Jolla Community Planning Association

Current Policies

1. The CPA will only consider recommendations from CDP when the Cycle Issues have been distributed to CDP before the "Final" CDP meeting and proof of effective notice has been provided by the applicant.
(Approved by the CPA on March 6, 2008.)

Proposed New Policies

1. Chair is directed to file an appeal when City approves project denied by the CPA, whether on the consent agenda or at a full hearing. Filing shall be ratified at the next meeting of the CPA; otherwise it is to be withdrawn.
2. Chair is directed to request a time extension on Process 2 applications as allowed under the Municipal Code.
3. Chair is directed to send notice of CPA action to City of San Diego immediately after the meeting rather than waiting to approval of the minutes at the following month's meeting.



NOTES:

ALL SIGNAGE IS CONCEPTUAL AND SUBJECT TO BOTH CITY AND VONS APPROVAL.

THE PAINT COLORS INDICATED HERE ARE PROVIDED FOR GENERAL COLOR INFORMATION AND ILLUSTRATION PURPOSES ONLY. BECAUSE OF THE DIFFERENCES IN COMPUTER MONITORS AND PRINTERS, THE DEPICTED RESULTS ARE INTENDED TO BE USED AS APPROXIMATIONS OF COLOR AND NOT AS DEFINITIVE REPRESENTATIONS, AND SHOULD NOT BE RELIED UPON OR USED AS SUCH. ALL PAINT TO BE ORDERED FROM DUNN-EDWARDS ANAHEIM TINT CENTER.

ALL STOREFRONT MULLIONS TO BE BLACK OR DARK BRONZE. IF SITE CONDITIONS DO NOT MATCH THESE REQUIREMENTS, MULLIONS TO BE PAINTED BLACK.

ANY EXISTING CERAMIC TILE TO BE REMOVED, PLASTERED AND PAINTED TO MATCH SURROUNDING AREA.



- 1. DUNN-EDWARDS PAINT #1546 'SAFEGWAY GRAY'
- 2. DUNN-EDWARDS PERFECT PALETTE DEC 760 'DESERT GRAY' (WITH 25% DARKENER)
- 3. DUNN-EDWARDS PERFECT PALETTE DE6172 'BUNGALOW TAUPE' (WITH 25% DARKENER)
- 4. DUNN-EDWARDS PAINT HC-83 'SAFEGWAY BEIGE'
- 5. DUNN-EDWARDS PERFECT PALETTE DEA 187 'BLACK'
- 6. STONE AT ENTRY COLUMNS & COLUMN BASES: SLATE TILE (THIN VENEER)



OUTDOOR SEATING

SCOPE OF WORK

1. REMOVE ALL SECONDARY CATEGORY SIGNS FROM FRONT & SIDES OF BUILDING AS SHOWN IN PHOTOS.
2. "STARBUCKS COFFEE" & "WELLS FARGO" LETTERS TO BE REMOVED & RELOCATED.
3. REPLACE TWO(2) SETS OF "VONS" LETTERS (FRONT & REAR ELEV.) ALL OTHER "VONS" LETTERS TO REMAIN. (REPAIRED AND REFURBISH AS NEEDED.)
4. MANUFACTURE & INSTALL ONE(1) NEW SET OF "PHARMACY" HALO ILLUMINATED REVERSE CHANNEL LETTERS & LOGO ON FRONT ELEVATION AS SHOWN.
5. MANUFACTURE & INSTALL ONE(1) NEW "SIGNATURE CAFE" ILLUMINATED CHANNEL LOGO ON FRONT ELEVATION AS SHOWN.
6. MANUFACTURE & INSTALL ONE(1) NEW "JAMBA JUICE" ILLUMINATED CHANNEL LETTERS & LOGO ON FRONT ELEVATION AS SHOWN.

EXISTING "WELLS FARGO"
TO BE REMOVED & RELOCATED

EXISTING
TO BE REPLACED

EXISTING "DRY CLEANERS"
TO BE REMOVED

EXISTING "STARBUCKS COFFEE"
TO BE REMOVED & RELOCATED

EXISTING SQ. FT. - FRONT ELEVATION	
6FT. "VONS"	96.00
"DRY CLEANERS"	25.24
"WELLS FARGO"	27.37
"STARBUCKS COFFEE"	38.25
"1 HOUR PHOTO"	21.90
"PHARMACY"	15.75
TOTAL	224.51 SQ. FT.



EXISTING SITE CONDITIONS

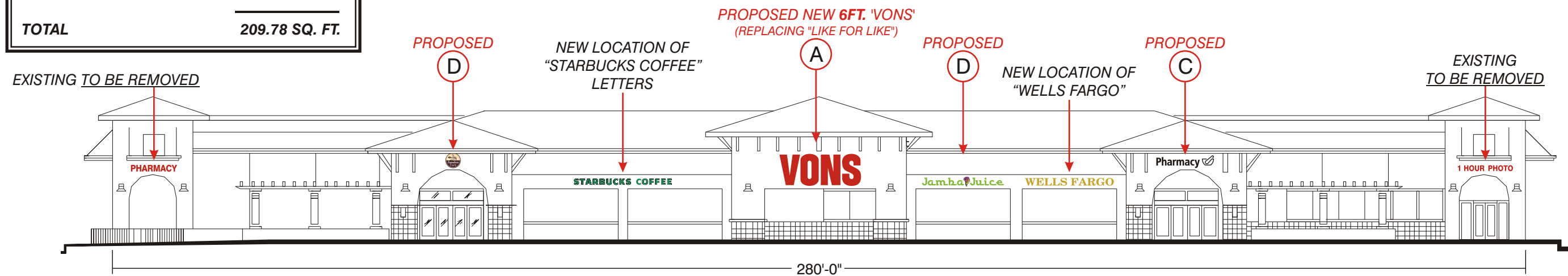
PROPOSED SQ. FT. - FRONT ELEVATION	
PROPOSED SQ. FT.:	
6FT. "VONS"	96.00 SQ. FT.
"SIGNATURE CAFE"	7.06
"PHARMACY"	16.68
"WELLS FARGO"	27.37
"STARBUCKS COFFEE"	38.25
"JAMBA JUICE"	24.42
TOTAL	209.78 SQ. FT.

Linear Front: 280' x 1.0' = 280 sq. ft. (MAX ALLOWABLE)

*ACCORDING TO §142.1290(d)(1)(A) OF THE
SAN DIEGO MUNICIPAL CODE

San Diego Municipal Code - La Jolla Commercial & Industrial Sign Control District

§142.1290 (d)(1)(A) "The sign for each premises shall not exceed 1 square foot for each foot of street frontage or 25 square feet, whichever is larger."



PROPOSED FRONT ELEVATION - **LINEAR STORE FRONT: 280'-0"**

SCALE: 3/64" = 1'-0"

EXISTING
 "PHARMACY" (PART OF FRONT ELEVATION)
 TO BE REMOVED

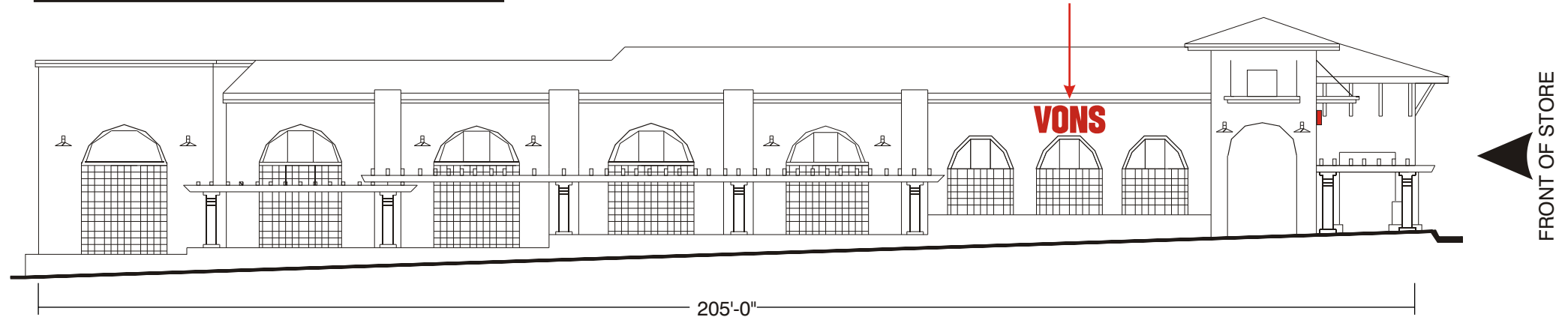
EXISTING "VONS"
 TO REMAIN



NO CHANGE TO THIS SIDE

EXISTING SQ. FT. - SIDE ELEVATION	
4FT. "VONS"	40.00 SQ. FT.
TOTAL	40.00 SQ. FT.

EXISTING "VONS"
 TO REMAIN



PROPOSED 'FAY AVE.' ELEVATION

SCALE: 3/64" = 1'-0"

EXISTING SQ. FT. - SIDE ELEVATION	
4FT. "VONS"	40.00 SQ. FT.
"PHARMACY"	15.75
TOTAL	55.75 SQ. FT.

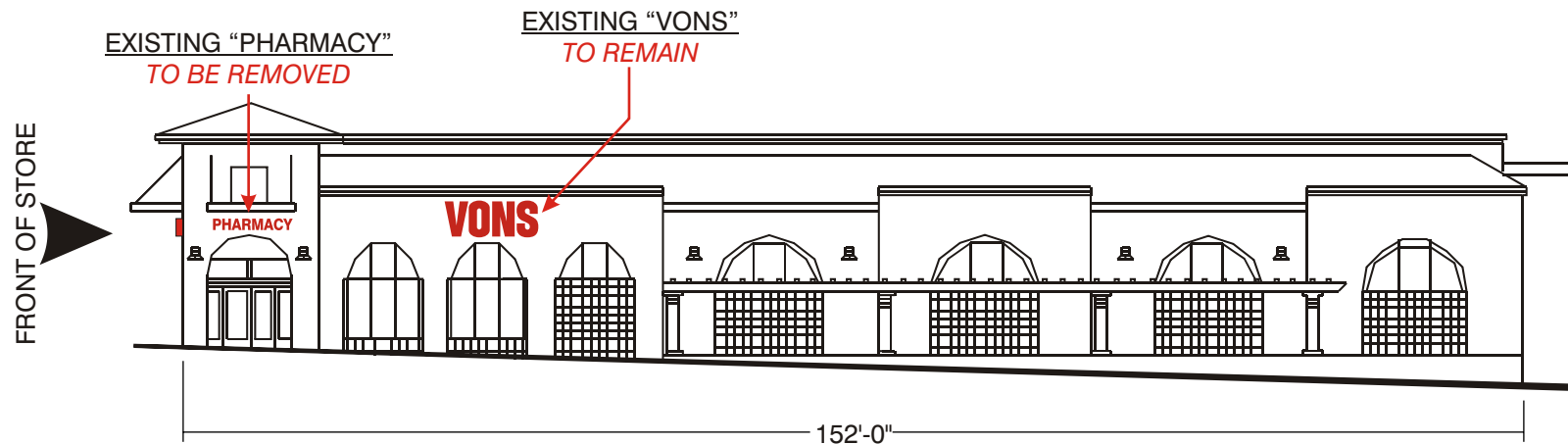
PROPOSED SQ. FT. - SIDE ELEVATION	
"VONS"	40.00 SQ. FT.
TOTAL	40.00 SQ. FT.



EXISTING "VONS"
 TO REMAIN

EXISTING
 "1 HR PHOTO"
 (PART OF FRONT ELEVATION)
 TO BE REMOVED

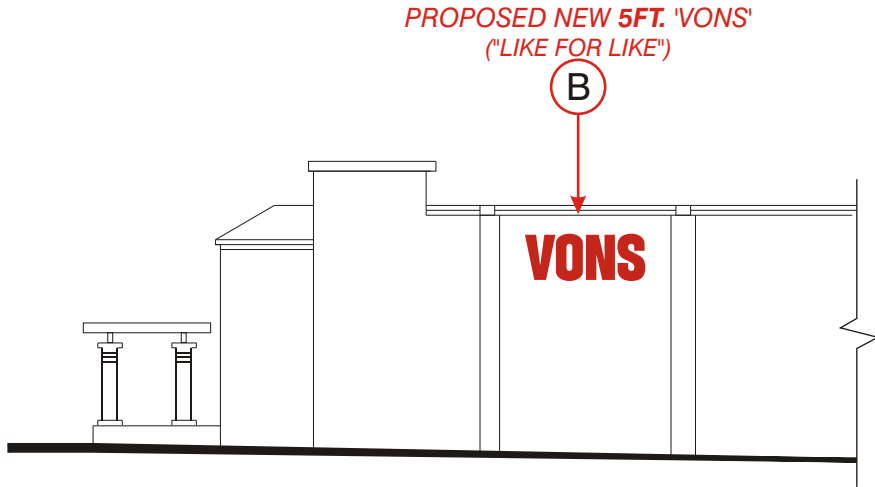
EXISTING
 "PHARMACY"
 TO BE REMOVED



PROPOSED 'GIRARD' ELEVATION

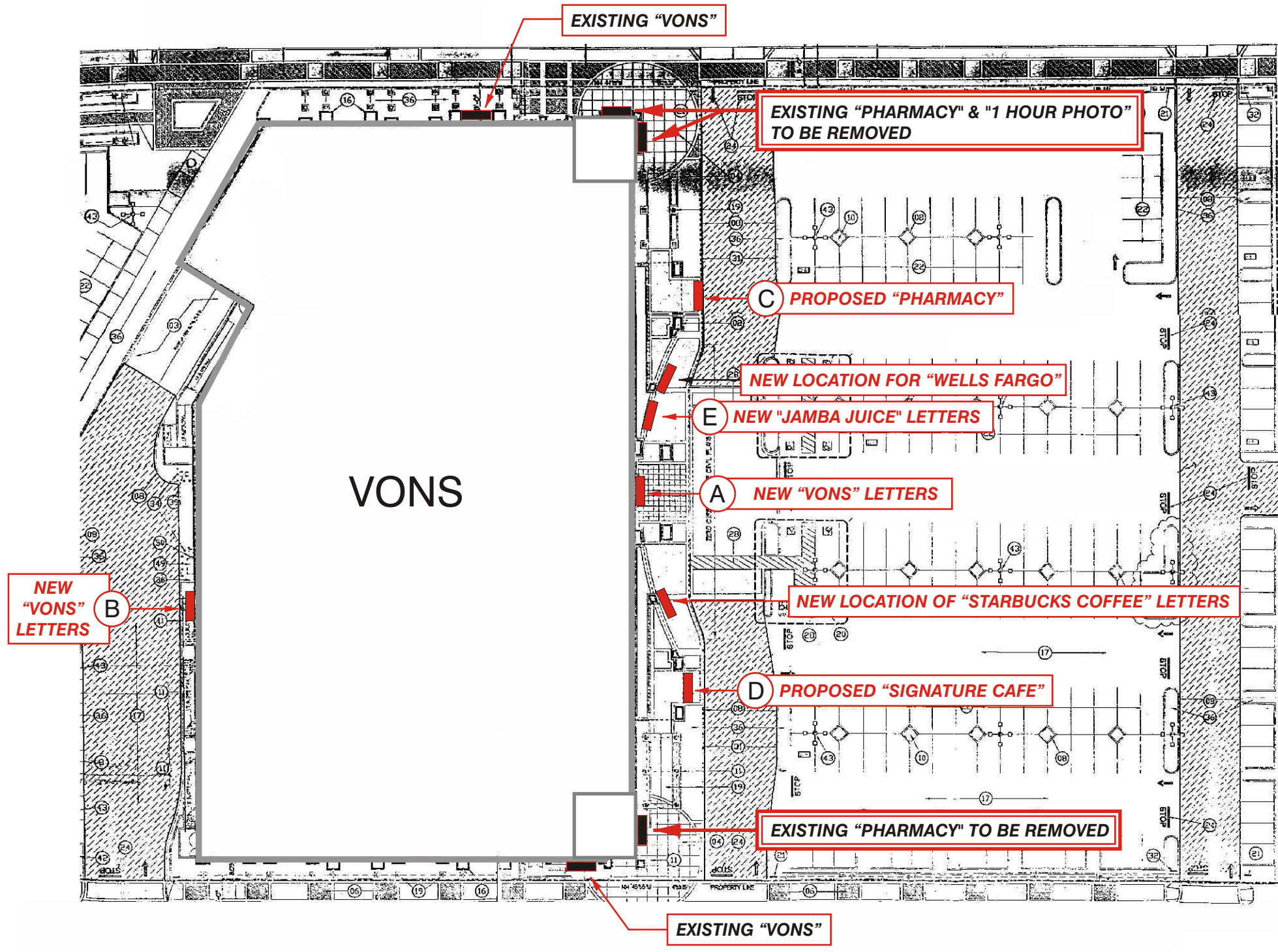
SCALE: 3/64" = 1'-0"

EXISTING SQ. FT. - SIDE ELEVATION	
5FT. "VONS"	66.66 SQ. FT.
TOTAL	66.66 SQ. FT.



PROPOSED SERVICE ALLEY ELEVATION

SCALE: 3/64" = 1'-0"



EXISTING SQ. FT.	
FRONT ELEVATION	
6FT. "VONS"	96.00
"DRY CLEANERS"	25.24
"WELLS FARGO"	27.37
"STARBUCKS COFFEE"	38.25
"1 HOUR PHOTO"	21.90
"PHARMACY"	15.75
TOTAL	224.51
SIDE (SOUTH) ELEVATION	
4FT. "VONS"	40.00
TOTAL	40.00
SIDE (NORTH) ELEVATION	
4FT. "VONS"	40.00
"PHARMACY"	15.75
TOTAL	55.75
TOTAL OF ALL EXISTING SIGNS:	320.26

PROPOSED SQ. FT.	
FRONT ELEVATION	
6FT. "VONS"	96.00
"SIGNATURE CAFE"	7.06
"PHARMACY"	16.68
"WELLS FARGO"	27.37
"STARBUCKS COFFEE"	38.25
"JAMBA JUICE"	24.42
TOTAL	209.78
SIDE (SOUTH) ELEVATION	
4FT. "VONS"	40.00
TOTAL	40.00
SIDE (NORTH) ELEVATION	
4FT. "VONS"	40.00
TOTAL	40.00
TOTAL OF ALL PROPOSED SIGNS:	289.78

SITE PLAN

NOT TO SCALE